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Changes to Chapter 2-1 of the City Code December, 2010

Section Amended	Impact of amendment
<p><i>DEFINITIONS</i> Committee of a board was not defined. (Section 2-1-2)</p>	<p>Adds a definition of a ‘committee’ as a body established by an affirmative vote of the board, consisting of at least three board members. It has to be named in the bylaws, along with its duties and must comply with the Open Meetings Act. If new committees are created after the bylaws are approved by the Council Audit and Finance Committee, you will have to submit a request to amend your bylaws. The definition distinguishes it from a working group that does not have to have all of its members be board members, consists of less than a quorum of the board, does not comply with Open Meetings, will not be supported by staff and is dissolved upon completion of the assignment given by the board. Council is trying to conserve staff resources but allow the board more flexibility is accomplishing its work.</p>
<p><i>DEFINITIONS</i> Joint Committee was not defined in the City Code. (Section 2-1-2)</p>	<p>Defines a ‘joint committee’ as a body established by council and comprised of members of two or more boards nominated and approved by an affirmative vote of each board respectively. It is intended to clarify that boards cannot create a joint committee. When council creates a joint committee, they will assign a specific project to them and upon completion, the joint committee is dissolved.</p>
<p><i>DEFINITIONS</i> Working Group was not defined in the City Code. (Section 2-1-2)</p>	<p>Defines a ‘working group’ as a body established by a vote of the board, consisting of less than a quorum of the board, to which the board delegates a defined matter or matters, for consideration and recommendation to the board. A working group is automatically dissolved after it reports its recommendations to the board. Allows a board to appoint a non-member or non-members to serve on a working group.</p>
<p><i>STAFF SUPPORT</i> (Section 2-1-7)</p>	<p>Clarifies that two liaisons are required for each board, each committee and each joint committee, including an executive to serve as executive liaison and a staff member to serve as board liaison.</p>
<p><i>COUNCIL AUDIT AND FINANCE COMMITTEE</i> Responsibilities - Council Audit and Finance Committee (Section 2-1-8)</p>	<p>Removes the AFC’s role of designating certain boards to conduct annual reviews. Prescribes the duties of the AFC to include directing the city auditor to assess risks related to boards and recommend possible audits.</p>
<p><i>ELIGIBILITY REQUIREMENTS AND REMOVAL</i> (Section 2-1-21)</p>	<p>Changes the training requirement to require board members to take training within 90 days of appointment and reappointment, and eliminates annual training. Since the online training has to be changed to reflect these Code changes, modules that are outdated will be pulled offline. Newly appointed and reappointed board members will take the modules available now and will be required to take the additional modules when they are revised.</p>
<p><i>CONFLICT OF INTEREST AND RECUSAL</i> (Section 2-1-24)</p>	<p>Adds a provision that members are required to disclose their conflicts during a committee meeting, in addition to the disclosure requirement for board meetings.</p> <p>Adds a provision that failure by a member to sign the attendance/conflict of interest sheet will result in the member being counted absent (unexcused absence) and any vote cast by the member will not be counted.</p>

Section Amended	Impact of amendment
<p><i>ATTENDANCE REQUIREMENTS AND AUTOMATIC VACATION</i> (Section 2-1-26)</p>	<p>Clarifies that attendance is based on a “rolling” 12-month timeframe. Provides that attendance at committee meetings and working groups is not considered in determining compliance with attendance requirements. Liaisons should use and retain the same sign-in sheet for both board and committee meetings.</p> <p>Expands the reasons for an ‘excused absence’ to include the following:</p> <ul style="list-style-type: none"> • illness of or injury to a member of the board member’s immediate family; and • the birth or adoption of the board member’s child, for 90 days after the birth or adoption <p>Board member must notify the staff liaison of the reason for the absence not later than the next regular meeting of the board or next regular meeting after birth/adoption, if applicable.</p>
<p><i>OFFICERS AND COMMITTEES</i> (Section 2-1-42)</p>	<p>Allows the board, by a two-thirds vote, to reelect a person to serve in a designated office for an additional term. The number of terms an officer could serve could be the entire 9 years that the board member is allowed to serve.</p> <p>The dates of the officer terms and elections are changed in the bylaws to give council members additional time to make appointments after their election and to give board members time to get acquainted with new board members before an officer election is held. Elections will now be held at the October meeting and terms will run from November 1st to October 31st.</p> <p>Clarifies that a meeting of a committee or a joint committee shall be posted under the Open Meeting Act, but not meetings of working groups.</p>
<p><i>MEETING REQUIREMENTS</i> (Section 2-1-43)</p>	<p>Provides that a board shall annually approve a regular meeting schedule and file it with the city clerk for posting to the web. Schedule should include changes to accommodate holidays.</p> <p>A board may not call a meeting in addition to its regularly scheduled meetings, as identified in adopted meeting schedule, more often than once a quarter, unless a special called meeting is required to meet a statutory deadline or deadline established by council. Council is limiting the number of special meetings that require staff support.</p> <p>Clarifies that the liaison shall submit an agenda through the on-line agenda posting system.</p> <p>Clarifies that each board and committee shall keep and post minutes of their meeting through the on-line system. Designates the city clerk is responsible for the retention of all the information entered in the on-line system and the liaison is responsible for records retention of all other board documents.</p> <p>Adds a provision that after consulting with and receiving input from staff, the chair shall approve each final agenda prior to posting. However, it continues the requirement that two or more members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. If the chair wants to put an item on the agenda, he/she needs a co-sponsor, too.</p>

Section Amended	Impact of amendment
MEETING PROCEDURES (Section 2-1-44)	Adds a provision that rules of procedure may not conflict with state or federal law, board bylaws or the City Code.
ANNUAL REVIEW, REVIEW REPORT, AND WORK PLAN (Section 2-1-46)	<p>Repeals and replaces the previous section pertaining to an annual review and report.</p> <p>Now all boards listed in Chapter 2-1 are required to conduct an annual internal review and submit a report. The chair must conduct the review and prepare the report using the template provided by city clerk. The review report must be filed by March 31 of each year.</p> <p><i>NOTE: The first review is due March 31, 2012 to allow the Auditor to complete the previous review process for all boards.</i></p> <p>The city auditor will review the internal review reports and information in the on-line system and make recommendations to the AFC on possible board audits.</p> <p>The content of the internal review has been simplified from the previous reporting requirements. The template will be created and put online in 2011.</p>
New Section (Section 2-1-148)	<p>RULES OF ORDER</p> <p>Provides that each citizen and board member attending a board meeting should observe decorum. It mirrors wording in the Code for decorum at council meetings. It gives the chair the responsibility and authority to maintain order at the meetings.</p>
New Section -- Applies to boards with 13 or more members (Early Childhood Council, Community Development Commission, Downtown Commission and Sustainable Food Policy Council) (Sections 2-1-123, 2-1-127, 2-1-141 & 2-1-170)	Larger boards were struggling to get enough affirmative votes when only a quorum was present. This provision is intended to address that problem: "If only a quorum is present at a meeting, a board action is adopted by an affirmative vote of two-thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. "
Applies to Environmental Board and Urban Forestry Board (Sections 2-1-144 & 2-1-183)	Changes the name of the support department to reflect the current name -- Watershed Protection Department.
Applies to Library Commission (Section 2-1-150)	Aligns duties with other boards who advise council and not the city manager or librarian.
Applies to the Water and Wastewater Commission (Section 2-1-186)	Allows the commission to conduct an annual review of the commission's goals and objectives, but does not require it to submit a formal report.
Applies to Renaissance Market Commission (Section 14-2-19)	Dissolves the commission

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Section Amended	Impact of amendment
Implementation Dates	<p>The ordinance changes are 10 days after passage.</p> <p>The revised bylaws are due to the OCC by March 1, 2011. This means the draft should be given to the board in January with their adoption on the January or February agenda. As soon as they are adopted, send to the OCC for submission to Audit and Finance. Once approved by AFC, the board will have to vote to approve the final version.</p> <p>The first internal review is due March 31, 2012. No annual reviews/reports have to be done in 2011. The auditor will continue with the scheduled audits and a review of the boards who were not reviewed in 2008 and 2009. Because of the information online, the auditor has the information needed.</p> <p>Election of officers will occur at first meeting in October.</p>

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4 AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING
5 TO CITY BOARDS AND COMMISSIONS; AMENDING CHAPTER 4-8 OF THE
6 CITY CODE RELATING TO THE REGULATION OF LOBBYISTS;
7 REPEALING SUBSECTION 14-2-19(C) OF THE CITY CODE RELATING TO
8 THE DUTIES OF THE RENAISSANCE MARKET COMMISSION; AND
9 DISSOLVING THE RENAISSANCE MARKET COMMISSION.

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11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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13 PART 1. Section 2-1-2 (*Definitions*) of the City Code is amended to read:

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15 (A) BOARD means a permanent advisory or decision-making body described in
16 Article 2 (*Boards*) and includes a commission, committee, council, or agency.

17 (B) BOARD MEMBER includes an alternate member.

18 (C) COMMITTEE means a body of board members established by an
19 affirmative vote of the board, consisting of at least three board members, to which
20 the board has delegated a defined matter, or matters.

21 (D) JOINT COMMITTEE means a body established by council and comprised
22 of members of two or more boards approved by an affirmative vote of each board,
23 to which council has delegated a defined matter, or matters.

24 (E) TASK FORCE means a non-codified temporary advisory body established
25 by resolution or ordinance for a specific purpose that expires upon the completion
26 of its assigned task or according to a specified deadline.

27 (F) WORKING GROUP means a body of board members established by a vote
28 of the board, consisting of less than a quorum of the board, to which the board
29 delegates a defined matter, or matters, for consideration and recommendation to
30 the board. A working group is automatically dissolved after it reports its
31 recommendations to the board. A board may appoint a non-member or non-
32 members to serve on a working group.

33 PART 2. Subsections 2-1-3(B), (C), and (D) (*Boards Established*) of the City Code
34 are amended to read:

35 (B) A board established by the city council that is to be in existence for more
36 than three years should be included in this chapter[-], unless other law conflicts
37 with provisions of this chapter.

38 (C) The city clerk shall maintain a list of all boards, task forces, and other [city-
39 related] bodies established by council that are not included in this chapter and to
40 which the council or mayor appoints one or more members.
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43 (D) To the extent not otherwise required by Texas Government Code, Chapter
44 551 or other state or federal law or rule, all temporary and permanent boards,
45 commissions, and task forces not included in this chapter and that are established
46 solely by council shall comply with Chapter 551 (*Open Meetings Act*). This
47 subsection does not apply to working groups.
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49 **PART 3.** Section 2-1-7 (*Staff Support*) is amended to read:
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51 (A) The city manager shall designate a City department to provide staff support
52 for each board and each committee of a board and each joint committee, including
53 [a] an executive to serve as executive board liaison and a staff member to serve as
54 board liaison [for] between the department and the board.

55 (B) The city clerk serves as liaison between boards, citizens, council, and
56 department liaisons [shall assist each board and task force in complying with
57 Government Code Chapter 551 (*Open Meetings Act*), including the posting of
58 meeting notices].

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60 **PART 4.** Section 2-1-8 (*Council Audit and Finance Committee*) of the City Code is
61 amended and renumbered accordingly to read:
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63 (A) The Council Audit and Finance Committee shall:

64 [~~(1)~~] ~~annually designate the boards that are required to conduct a review~~
65 ~~and prepare a review report and work plan in accordance with Section 2-1-~~
66 ~~46 (*Annual Review, Review Report, And Work Plan*);~~]

67 [~~(2)~~] (1) review each [designated] board's internal review report [and work
68 plan] that is required by Section 2-1-46 (*Annual Internal Review and Review*
69 *Report*);

70 [~~(3)~~] (2) make recommendations to the council on the continued need for
71 and role of each board;

72 [~~(4)~~] (3) review and approve or disapprove a board's requested amendment
73 to the City's standard board bylaws;

74 ~~[(5)]~~ (4) receive notice of a board's failure to convene for a period of six
75 months and make a recommendation to council on the continued existence
76 or dissolution of the board; ~~[and]~~

77 ~~[(6)]~~ (5) make recommendations to council on other issues related to City-
78 related boards~~[-]; and~~

79 (6) direct the city auditor to annually assess the risks related to boards
80 utilizing available information about board actions and recommend boards
81 for performance audits.

82 (B) The committee may review a board audited by the city auditor.

83 ~~[(1)]~~ The committee's review shall include:

84 ~~(a)~~ a written or oral presentation by the chair of the board related to:

85 ~~(i)~~ the mission, goals, and objectives of the board;

86 ~~(ii)~~ the board's performance during the review period; and

87 ~~(iii)~~ the findings by the city auditor; and

88 ~~(b)~~ written or oral public comment on a board's operation and
89 performance during the review period.]

90 ~~[(2)]~~ The committee shall make a recommendation to council on whether
91 to continue, modify, or dissolve the board.]

92 **PART 5.** Subsection (G) of Section 2-1-21 (*Eligibility Requirements and Removal*) of
93 the City Code is modified to read:

94 (G) To maintain eligibility, a board member must:

95 (1) complete the ~~[initial and annual refresher]~~ board ~~[courses]~~ training
96 required by Section 2-1-23 (*Training*);

97 (2) comply with Section 2-7-72 (*Public Financial Statements*), if
98 applicable;

99 (3) comply with the attendance requirements of Section 2-1-26
100 (*Attendance Requirements And Automatic Vacation*); and

101 (4) comply with the residency requirements of Subsection 2-1-21(B).

PART 6. Subsection (B) of Section 2-1-23 (*Training*) is amended and Subsection (C) is deleted to read as follows:

(B) Each board member must complete a board course developed by City staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:

- (1) a review of a board member's personal and ethical responsibilities;
- (2) the role of council and staff and the council-manager form of government;
- (3) the role of advisory boards in making recommendations and advising council;
- (4) board procedures, including attendance and quorum;
- (5) the City's business planning process;
- (6) Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules of Order, and Americans with Disabilities Act requirements; and
- (7) conflict resolution.

~~[(C) After the initial training, each board member must annually complete a refresher course developed by City staff.]~~

PART 7. Section 2-1-24 (*Conflict of Interest and Recusal*) of the City Code is amended to add new Subsections (C) and (D) and to re-letter accordingly to read:

(C) At each meeting of a committee to which a board member is appointed, a committee member shall sign in on a sheet provided and shall indicate:

- (1) that the committee member has no conflict of interest related to any item on the committee meeting agenda; or
- (2) the number of an agenda item for which the committee member has a conflict of interest.

(D) Failure by a member to comply with Subsection (B) will result in that member being counted as absent from the board meeting; such an absence is an unexcused absence. Any vote or votes cast by a member who fails to comply with Subsections (B) or (C) will not be counted at the board or committee meeting at issue.

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133 [(C)] (E) Chapter 2-7, Article 3 (*Violation: Complaint And Hearing*
134 *Procedures*) applies to this section, and a sworn complaint alleging a violation may
135 be filed under the procedures of that article. If the Ethics Review Commission
136 determines that a violation of this section has occurred, it shall follow the
137 procedure required by Section 2-7-47(*Prosecution*).

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139 **PART 8.** Subsection (A) of Section 2-1-26 (*Attendance Requirements and Automatic*
140 *Vacation*) of the City Code is amended and Subsection (B) is repealed and replaced to
141 read:

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143 (A) Except as provided in Subsection (B), a board member automatically
144 vacates the member's position if the member is absent for three consecutive regular
145 meetings or one-third of all regular meetings in a rolling 12-month [period]
146 timeframe, subject to the hold over provision in Section 2-1-27 (*Vacancy and*
147 *Hold Over Capacity*). Attendance by a board member at committee meetings and
148 working group meetings is not considered for purposes of determining the board
149 member's compliance with attendance requirements.

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151 (B) Subsection (A) does not apply to an absence due to the following:

- 152 i. the board member's illness or injury;
- 153 ii. the illness of or injury to a member of the board member's immediate
154 family; or
- 155 iii. the birth or adoption of the board member's child, for 90 days after
156 the birth or adoption.

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158 The board member must notify the staff liaison of one of these stated reasons
159 for the absence not later than the date of the next regular meeting of the
160 board. For an absence due to the birth or adoption of the board member's
161 child, the board member must notify the staff liaison not later than the date
162 of the next regular meeting after the birth or adoption.

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164 **PART 9.** Subsections 2-1-42(B), (C) and (D) (*Officers and Committees*) of the City
165 Code are amended and Subsection (E) is added to read:

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168 (B) A person may not serve as an officer in a designated position of a board for
169 more than three consecutive one-year terms. Service before July 31, 2008 is
170 excluded in determining the number of years served. A person who has served as
171 an officer in a designated position of a board for three consecutive terms is not
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eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office[-], unless, by a two-thirds vote, the board votes to reelect the person to that designated office for an additional term. For a seven member board, five members constitute a two-thirds vote.

(C) A board may create a committee from its membership to aid the board in carrying out its purpose. A board may not designate or appoint a non-member to serve on a committee. A board may not create a joint committee with another board unless directed by a formal action of council to do so.

(D) A meeting of a committee or a joint committee shall be posted under Government Code Chapter 551 (*Open Meeting Act*).

(E) In lieu of creating a committee, a board may create a working group to consider a defined matter or matters and report its recommendation to the board. A working group is not required to comply with Government Code Chapter 551 (*Open Meetings Act*) or to keep minutes of its meetings.

PART 10. Subsections (A), (E) and (G) of Section 2-1-43 (*Meeting Requirements*) of the City Code are amended and new Subsection (H) is added to read:

(A) Unless otherwise provided in this chapter, each board shall meet not less often than quarterly. A board shall annually approve a regular meeting schedule and file the schedule with the Office of the City Clerk. A Board may not call a meeting in addition to its regularly scheduled meetings, as identified in its adopted meeting schedule and bylaws, more often than once a quarter, unless the unscheduled meeting is required to comply with a statutory deadline or a deadline established by Council.

(E) A board liaison shall submit a meeting agenda through the city's on-line agenda posting system for each meeting. [~~transmit ;~~]

~~[(1) a meeting agenda to the city clerk as required for posting under Government Code Chapter 551 (*Open Meetings Act*); and~~

~~(2) an electronic agenda to the Public Information Office for posting on the City's website].~~

(G) Each board and each committee shall keep and post minutes of its meetings on the designated on-line system[;]. [~~which~~] The minutes shall:

- (1) list the members in attendance;

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211 (2) state the subject of each deliberation; and

212 (3) indicate each vote, order, decision, or other action taken[;]. [~~and~~

213 (4) ~~be filed with the liaison department.]~~

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215 (H) After first consulting with and receiving input from the staff liaison, the
216 board chair shall approve each final meeting agenda prior to posting. Two or more
217 board members may place an item on the agenda by oral or written request to the
218 staff liaison at least five days before the meeting.

220 **PART 11.** Subsections 2-1-44(B) and (D) (*Meeting Procedures*) of the City Code are
221 amended to read:

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223 (B) Each board shall adopt the City's standard board bylaws. [~~Not more than~~
224 ~~once a year, a board may adopt a revision to the standard bylaws.] A bylaw~~
225 amendment is not effective unless approved by the Council Audit and Finance
226 Committee.

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228 (D) Boards may adopt special rules of procedure as required. A board's special
229 rules of procedure may not conflict with state or federal law, the board's bylaws, or
230 the City Code.

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232 **PART 12.** Subsection 2-1-45(B) (*Failure to Meet*) of the City Code is amended to read:

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234 (B) The city clerk shall send written notice to the Council Audit and Finance
235 Committee of a board's failure to convene for a period of six months. The Council
236 Audit and Finance Committee shall make a recommendation to council on
237 whether to continue the board within 60 days of receiving notice under this
238 subsection[;], unless dissolution of the board is prohibited by other law.

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240 **PART 13.** Section 2-1-46 (*Annual Review, Review Report, and Work Plan*) is repealed
241 and replaced with a new Section 2-1-46 to read:

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243 **§ 2-1-46 ANNUAL INTERNAL REVIEW AND REVIEW REPORT.**

244 (A) Each calendar year, a board chair must conduct an internal review of
245 the board and prepare an internal review report using the template provided
246 by the city clerk. The internal review report must be filed with the city clerk
247 and the city department assigned to support the board by March 31 of each
248 year.

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249 (B) The report must include the following:

250 (1) a statement of the board's mission and a description of the
251 board's actions in furtherance of that mission during the previous
252 calendar year; and

253 (2) the board's goals and objectives for the new calendar year.

254 (C) The city auditor must review each internal review report and make
255 recommendations to the Council Audit and Finance Committee concerning
256 which board, or boards, if any, will be audited by that office.

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258 **PART 14.** Subsection 2-1-47(A) (*Dissolution*) is amended to read:

259 (A) The council may vote to dissolve a board at any time[-], unless prohibited by
260 other law.
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263 **PART 15.** Chapter 2-1 is amended to add a new section 2-1-48 to read:

264 **§ 2-1-48 RULES OF ORDER.**

265 (A) Each person and board member attending a board meeting should
266 observe decorum. A person or board member should not speak out of turn,
267 use disparaging or abusive language, or make threats of violence against any
268 other person during a board meeting.

269 (B) The presiding officer:

270 (1) should maintain order;

271 (2) should exercise the officer's authority impartially; and

272 (3) may shorten a person's speaking time or ban a person from
273 speaking for the duration of a meeting only for a violation of decorum
274 set out in this section.

275 **PART 16.** Section 2-1-123 (*Early Childhood Council*) of the City Code is amended by
276 adding new Subsection (D) to read:

277 (D) If only a quorum of the Early Childhood Council is present at a meeting, a
278 board action is adopted by an affirmative vote of two thirds of the quorum. If more

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than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

PART 17. Section 2-1-127 (*Community Development Commission*) of the City Code is amended by adding new Subsection (G) to read:

(G) If only a quorum of the Community Development Commission is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

PART 18. Subsection 2-1-141(A) (*Downtown Commission*) of the City Code is amended to read:

(A) The Downtown Commission is composed of 15 members appointed by the city council. If only a quorum of the Downtown Commission is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

PART 19. Subsection 2-1-144(A) (*Environmental Board*) of the City Code is amended to read:

(A) In this section, "department" means the Watershed Protection [~~and Development Review~~] Department.

PART 20. Section 2-1-150 (*Library Commission*) of the City Code is amended to read:

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§ 2-1-150 LIBRARY COMMISSION.

The Library Commission shall make recommendations to the city council⁵,
~~the city manager, and the librarian~~ on matters relating to the establishment,
maintenance, and operation of the public libraries.

PART 21. Section 2-1-166 (*Renaissance Market Commission*) of the City Code is repealed.

PART 22. Section 2-1-170 (*Sustainable Food Policy Board*) of the City Code is amended to add new Subsection (D) to read:

(D) If only a quorum of the Sustainable Food Policy Board is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

PART 23. Subsection 2-1-182(C) (*Solid Waste Advisory Commission*) is repealed, the Section is re-lettered accordingly, and Subsection (F) is amended to read:

~~[(G)]~~ (F) The commission may also exercise the following oversight functions:

- (1) work with staff to develop programs to implement the commission's duties and responsibilities;
- (2) evaluate the economic feasibility and impacts of its goals and objectives programs;
- (3) coordinate with the staff for utilization of staff time and resources for liaison activities with the commission;
- (4) make policy and budget recommendations to the city council relating to solid waste program implementation;
- (5) review waste disposal program implementation strategies as they are developed;
- (6) review staff progress toward successful implementation of solid waste management on a periodic basis;

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330 (7) review staff reports and studies relating to commission
331 programs, including economic and rate impacts and
332 environmental effects; and

333 (8) review the results from the monitoring of solid waste
334 programs and facilities[; ~~and~~

335 ~~(9) review activities of waste-to-energy advisory task force].~~

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337 **PART 24.** Subsection 2-1-183(B) (*Urban Forestry Board*) of the City Code is amended
338 to read:

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340 (B) The urban forester, city arborist, the director of Parks and Recreation
341 Department, and the director of the Watershed Protection [~~and Development~~
342 ~~Review~~] Department shall serve as ex officio members of the board.

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344 **PART 25.** Subsection 2-1-186(D) (*Water and Wastewater Commission*) of the City
345 Code is amended to read:

346 (D) The commission [~~shall develop~~] may conduct an annual [~~program~~] review
347 [~~setting out~~] of the commission's goals and objectives, and the activities needed to
348 achieve these goals and objectives in the following areas, for the year covered by
349 the program:

- 350 (1) water supply distribution;
- 351 (2) water demand and conservation management;
- 352 (3) wastewater treatment and collection;
- 353 (4) water quality;
- 354 (5) service area master planning and capital improvement project
355 development;
- 356 (6) utility operating budget;
- 357 (7) rates and fees; and
- 358 (8) citizen education.

359 **PART 26.** Section 4-8-3 (*Applicability*) of the City Code is repealed and replaced
360 with a new Section 4-8-3 to read:

361 **§ 4-8-3 APPLICABILITY.**

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This chapter applies to a person who lobbies the mayor, a councilmember, their aides, a member of a board governed by Chapter 2-1 of the Code, a member of a board, task force, or other bodies established by council and listed by the city clerk in accordance with section 2-1-3(C) of the Code, and the following city staff: the city manager, an assistant city manager, their aides, the city attorney, an assistant city attorney, a department or assistant department director, and, where no assistant department director serves, the first principal assistant of the department.

PART 27. Subsection 14-2-19(C) of the City Code is repealed.

PART 28. The Renaissance Market Commission is dissolved.

PART 29. Newly appointed and reappointed board members are not required to receive training within 90 days of appointment or reappointment on topics described in Section 2-1-23(B)(3) or (4) until City staff updates the training materials concerning those topics to reflect changes to the City Code made by this ordinance. Board members who are appointed or reappointed on or after the date council approves this ordinance will be required to receive the updated training not later than the 90th day after the updated training materials are made available. The city clerk shall notify all board members who are required to take the updated training of its availability, and shall include in the notice the date by which the board members must take the training.

PART 30. A board chair is required to conduct the first internal review of the board and prepare an internal review report as required by section 2-1-46 in calendar year 2012.

PART 31. The council adopts the revised standard bylaws for City boards attached as Exhibit A. The Council Audit and Finance Committee may modify the standard bylaws.

PART 32. This ordinance takes effect on _____, 2010.

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TEMPLATE FOR STANDARD CITY BOARD BYLAWS

(Instructions for completion of the bylaws are contained in red, italicized parentheticals. Delete the parentheticals from final version. The parts in green are additions that need to be added to the bylaws.)

The bylaws, as adopted by the board, must be submitted to the City Clerk by March 1, 2011. Remember, they are not approved until reviewed by the Council Audit and Finance Committee and then approved by the board.

BYLAWS OF THE

(Board Name)

ARTICLE 1. NAME.

The name of the board is _____ *(board name as it appears in the Municipal Code).*

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is _____. *(Insert the information directly from the City Code.)*

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of seven members appointed by the city council. *(If the council has approved a board with more or fewer than seven members, the number must be changed to indicate that. If some members are appointed by other entities, modify this paragraph to state the total number of members and then specify the number appointed by each entity. For example: "The board is composed of nine members. Seven members are appointed by the city council. Two members are appointed by the Travis County commissioner's court.")*
- (B) A member serves at the pleasure of the city council. *(If some members are appointed by other entities, then modify this to say "A member serves at the pleasure of the _____ (appointing body)." If members can only be removed for cause, delete or modify this paragraph.*
- (C) Board members serve for a term of three years beginning August 1st on the year of appointment. *(If council has approved terms of a different length, modify this accordingly.)*
- (D) An individual board member may not act in an official capacity except through the action of the board.

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- 1 (E) A board member who is absent for three consecutive regular meetings or one-third of all regular
2 meetings in a “rolling” twelve month timeframe automatically vacates the member’s position
3 subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an
4 absence due to illness or injury of the board member, an illness or injury of a board member’s
5 immediate family member, or the birth or adoption of the board member’s child for 90 days after
6 the event. The board member must notify the staff liaison of the reason for the absence not later
7 than the date of the next regular meeting of the board. Failure to notify the liaison before the next
8 regular meeting of the board will result in an unexcused absence. *(For boards that meet quarterly,*
9 *two absences in a twelve month timeframe violates the attendance policy and should be reported to*
10 *the City Clerk.)*
- 11
- 12 (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member
13 does not have a conflict of interest with any item on that agenda, or identifies each agenda item on
14 which the member has a conflict of interest. Failure to sign the sheet results in the member being
15 counted as absent and his/her votes are not counted.
- 16
- 17 (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the
18 board, the staff liaison, or the city clerk’s office. If possible, the resignation should allow for a
19 thirty day notice so the city council can appoint a replacement.

20
21 **ARTICLE 4. OFFICERS.**

- 22
- 23 (A) The officers of the board shall consist of a chair and a vice-chair. *(If additional officers are desired,*
24 *amend this list and add the duties in Article 5)*
- 25
- 26 (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after
27 October 1st. In the event a current officer becomes ineligible to serve as an officer, the board may
28 hold an emergency election as needed.
- 29
- 30 (C) The term of office shall be one year, beginning November 1st and ending October 31st. An officer
31 may continue to serve until a successor is elected. A person may not serve as an officer in a
32 designated position of a board for more than three consecutive one-year terms. A person who has
33 served as an officer in a designated position of a board for three consecutive terms is not eligible for
34 re-election to that designated office until the expiration of two years after the last date of the
35 person’s service in that office. The board may override the term limit provision for an officer by an
36 affirmative vote of two-thirds of the authorized board members.
- 37
- 38 (D) A member may not hold more than one office at a time.

39
40 **ARTICLE 5. DUTIES OF OFFICERS.**

- 41
- 42 (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial
43 functions and approve each final meeting agenda.
- 44
- 45 (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- 46
- 47 *(C) If other officers are added in Article 4, a brief description of their duties is required here.*
- 48

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ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve the each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert’s Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet (select one of the following: monthly, quarterly, or when the board is legally required to meet in order to comply with a legal deadline.) In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings. (The meeting schedule must be filed with the City Clerk to be posted online.)
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Four members constitute a quorum. *(For a board with more or fewer than seven members, the number should be changed to equal a majority of the members.)*
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by affirmative vote of the number of members necessary to provide a quorum.

(For boards with 13 members (Early Childhood Council and Sustainable Food Policy Board) or 15 members {Community Development Commission and Downtown Commission}, the following language applies to an affirmative vote.)
- (H) If only a quorum is present at a meeting, a board action is adopted by an affirmative vote of two-thirds of the quorum (13 member board = 5 votes; 15 member board = 6 votes). If more than a

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quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum (13 member board = 7 votes; 15 member board = 8 votes).

- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The _____ *(liaison's department name)* shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.

ARTICLE 8. COMMITTEES/WORKING GROUPS.

(The board may establish committees or working groups from its members, as needed, to conduct their business. Each committee should be named and their responsibilities described in this article. A committee is one that would meet regularly, at least quarterly, provide an annual report to the board, be supported by staff and comply with Open Meetings Law. A working group is created for a specific purpose and is dissolved once that purpose has been accomplished. It is any group that is not a committee. It is not supported by staff and does not comply with the Open Meetings Law. Working groups do not need to be identified in the bylaws.)

COMMITTEES

(A) The _____ *(Name of the board)* shall have the following committees:
(Name and describe the duties of each Committee.

If the board does not have any committees, use the following language):

(A) The _____ *(Name of the board)* will have no committees.

(B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the _____ *(department name).*

(C) The board chair shall appoint a board member as the committee chair, with the member's consent.

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- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

(H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the _____ *(insert - board name)* at their meeting held on _____ *(insert - month date, year)*.

(Signature of Executive or Staff Liaison)

(Insert - Title -- Executive or Staff Liaison)

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REVISED BYLAWS AS PER CHAPTER 2-1 REVISIONS

**BYLAWS OF THE
ZONING AND PLATTING COMMISSION**

ARTICLE 1. NAME.

The name of the board is the Zoning and Platting Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is to perform duties relating to land use and development prescribed by Title 25 of the City Code, and other duties as may be assigned by the city council.

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of seven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of three years beginning August 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board, except when required to do so by law in connection with the approval, endorsement, or attestation of plats.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

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ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, vice-chair, secretary, and parliamentarian.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after October 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning November 1st and ending October 31st. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than three consecutive one-year terms. A person who has served as an officer in a designated position of a board for three consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees each year following the election of officers, and represent the board at ceremonial functions and approve each final meeting agenda. The Chair shall appoint the Chair and members of committees As provided by statute, the Chair shall sign any certificate endorsing a subdivision plat.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- (C) In the absence of both the Chair and the Vice-Chair, the member serving as presiding officer shall sign any certificate endorsing a subdivision plat. In the absence of the chair, vice chair, and secretary, any member may be deemed the presiding officer by a quorum of the board present at the meeting, with such designation recorded in the minutes.
- (D) The secretary shall monitor the timely completion of minutes of the board's meetings. As provided by statute, the secretary shall sign all subdivision plats. In the absence of the chair and vice chair, the secretary shall perform duties of the chair.
- (E) The Parliamentarian shall advise on all matters of procedure and shall assure that business conducted before the board conforms to these Rules and Regulations and Roberts Rules of Order Newly Revised.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.

- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting, not less than 72 hours before the meeting
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet twice a month. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Four members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Planning and Development Review Department shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

- 1 (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the
- 2 meeting.
- 3
- 4 (N) Each person and board member attending a board meeting should observe decorum pursuant to
- 5 Section 2-1-48 of the City Code.
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ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- 10 (A) The Zoning and Platting Commission shall have the following committees:
- 11
- 12 (1) Executive Committee – This Committee shall be composed of the officers of the
- 13 Commission. The staff liaison shall be an ex-officio member without privilege of vote.
- 14 The Executive Committee shall be responsible for coordination of the board’s activities and
- 15 may make recommendations to the board on the annual budget as it relates to the board’s
- 16 work program. The Committee shall annually recommend goals to the board and shall
- 17 recommend a work plan to accomplish those goals.
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- 21 (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet
- 22 until its creation is approved by the Council Audit and Finance Committee. Each committee shall
- 23 consist of at least three board members appointed by the chair. A staff member shall be assigned to
- 24 each committee by the director of the Planning and Development Review Department.
- 25
- 26 (C) The board chair shall appoint a board member as the committee chair, with the member’s consent.
- 27
- 28 (D) A majority of the total number of appointed committee members constitutes a quorum.
- 29
- 30 (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- 31
- 32 (F) Each committee shall make an annual report to the board at the January board meeting.
- 33
- 34 (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551
- 35 (Texas Open Meetings Act).
- 36
- 37 (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall
- 38 indicate that the member has no conflict of interest with any item on the committee meeting agenda,
- 39 or identify each agenda item on which the member has a conflict of interest.
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WORKING GROUPS

- 43 (A) The board can determine the size of a working group but the number of board members serving on
- 44 the working group must be less than a quorum of the board.
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- 46 (B) A working group may designate a chair, with the member’s consent, but is not required to do so.
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- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Zoning and Platting Commission at their meeting held on

_____.

Executive or Staff Liaison

Title (Executive or Staff Liaison)

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